

September 28, 2001

Mr. Roger Knip
Walsh & Kelly, Inc.
24358 State Road 23
South Bend, Indiana 46614

Re: R 141-13102-03219
First Reopening to Federally
Enforceable State Operating Permit
F 141-9888-03219

Dear Mr. Knip:

Walsh & Kelly, Inc. was issued a Federally Enforceable State Operating Permit (FESOP) on May 14, 1999. The Office of Air Quality (OAQ) has determined that it is necessary to reopen your FESOP permit. Notice of the permit reopening pursuant to 326 IAC 2-8-8(c) was provided on August 16, 2000.

As stated in the Notice, the language in 40 CFR Part 70.6(c)(5)(iii)(B)) was changed from "continuous or intermittent compliance" to "based on continuous or intermittent data" as part of the U.S. EPA's 1997 Compliance Assurance Monitoring rule making (Federal Register Volume 62, page 54900-54947, Wednesday, October 22, 1997). The U.S. District Court of Appeals, Washington D.C. ruled against EPA's language, saying that the Clean Air Act wording of continuous or intermittent compliance had to be used. (NRDC vs. EPA, #97-1727) Therefore, the following change is being made to your permit to be consistent with state and federal law.

Condition B.12(c)(3) is revised as follows:

B.12 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

- (c) The annual compliance certification report shall include the following:
- (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was ~~based on~~ continuous or intermittent data;
 - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
 - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ, and St. Joseph County Health Department may require to determine the compliance status of the source.

Walsh & Kelly, Inc.
South Bend, Indiana
Reviewer: Stacey Pfeffer

Page 2 of 2
Reopening No. R 141-13102-03219
FESOP OP No. F 141-9888-03219

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this reopening and the following revised permit pages to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Stacey Pfeffer, at (800) 451-6027, press 0 and ask for Stacey Pfeffer or extension 3-2628, or dial (317) 233-2628.

Sincerely,
Original signed by

Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

Attachments

SP/gkf

cc: File St. Joseph County
St. Joseph County Health Department
Local Agency - St. Joseph County Health Department
Air Compliance Section Inspector - Rick Reynolds
IDEM Northern Regional Office
Compliance Data Section - Karen Nowak
Administrative and Development -Cynthia Bymaster
Technical Support and Modeling - Michele Boner

**FEDERALLY ENFORCEABLE STATE
OPERATING PERMIT (FESOP)
OFFICE OF AIR QUALITY
and ST. JOSEPH COUNTY HEALTH DEPARTMENT**

Walsh & Kelly, Inc.

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 and 326 IAC 2-1-3.2, as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: F141-9888-03219	
Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: May 14, 1999 Expiration Date: May 14, 2004

First Reopening: R 141-13102-03219	Page Affected: 9
Issued by: Original signed by Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: September 27, 2001

B.12 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. The certification shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than April 15 of each year to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

St. Joseph County Health Department
County-City Building, Room 914
South Bend, Indiana 46601-1870

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, and the St. Joseph County Health Department on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
- (1) The identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
 - (5) Such other facts as specified in Sections D of this permit, IDEM, OAQ, and the St. Joseph County Health Department may require to determine the compliance status of the source.

The notification which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

B.13 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMP) within ninety (90) days after issuance of this permit, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions;
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.